

The Speaker of the House put the question, and the session refused to adjourn.

Ex-Gov. G. W. Jones then resumed his argument.

At the close of his remarks, Senator Dwyer moved that the session adjourn to 8 p. m. Lost.

Representative Sayers moved that the joint session adjourn to 9 a. m. to-morrow. Carried.

The Senate then retired to the Senate Chamber.

#### IN SENATE.

On motion of Senator Parker, the Senate adjourned to 9 a. m. to-morrow.

#### SIXTY-FOURTH DAY.

SENATE CHAMBER, }  
Austin, March 31, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by Rev. Dr. Marshall, of St. Louis.

On motion of Senator Ireland, the reading of the journal of yesterday was dispensed with.

Senator Friend presented the petition of citizens of Rockport, "asking that the Legislature pass an act granting to the Mayor of the city of Rockport jurisdiction to establish a quarantine station at Cape Carlos, on Aransas Bay, for the protection of the city of Rockport, during seasons of epidemics, should emergencies require it." Read and referred to Judiciary Committee.

Senator Randle, chairman Committee on Engrossed Bills, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 105, "An act to amend an act entitled an act to incorporate the Austin and Pacific Short Line Railroad Company, passed May 30, 1873," and find it correctly engrossed.

ED. RANDLE, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 138, "An act to provide for the repayment to James J. Gathings, of Hill county, of money illegally ex-

torted from him by the State Police ;" also, Senate bill No. 150, "An act to grant lands to the International Railroad Company, in lieu of bonds, on a portion of the line of its road ;" also, Senate bill, No. 198, "An act providing for the removal of county seats ;" also, Senate bill No. 140, "An act regulating the sale of intoxicating liquors within a certain distance of any school, college, or seminary of learning other than at a county seat," and find them all correctly engrossed. —

ED. RANDLE, Chairman.

Senator Ellis introduced a bill, entitled "An act to prevent a multiplicity of suits." Read first time and referred to Judiciary Committee.

Senator Wood introduced a bill, entitled "An act to provide a mode for the sale of the shares in any joint stock or incorporated company on execution." Read and referred to Judiciary Committee.

On motion of Senator Baker, the rules were suspended to take up Senate bill No. 130, "An act to exempt earnings of laborers, mechanics and artisans to a certain extent, from the payment of debts by legal process."

On motion of Senator Baker, the amendment recommended by the committee reporting on said bill, was adopted. The bill was then read a second time and ordered engrossed.

On motion of Senator Baker, the rules were further suspended, bill read third time and passed.

On motion of Senator Westfall, the rules were suspended to take up Senate bill, No. 212, "An Act to enable common carriers to dispose of unclaimed freight or baggage." The bill was read second time and ordered engrossed.

On motion of Senator Westfall, the rules were further suspended, bill read third time and passed.

The following communication was received from his Excellency, the Governor :

EXECUTIVE OFFICE, STATE OF TEXAS, }  
Austin, March 30, 1874. }

*Hon. R. B. Hubbard, President of the Senate :*

SIR—I have the honor to hand you herewith a copy of the captions of bills and joint resolutions approved by the executive since March 17, A. D. 1874.

Very respectfully,

RICHARD COKE, Governor.

Senate joint resolution, No. 208, "Instructing and requesting our congressional delegation to urge upon Congress the speedy reimbursement of Henry Warren, for losses incurred by reason of the destruction of his wagon train, and other property by the Comanche, Kiowa and Cheyenne Indians," approved March 20, 1874.

Senate bill No. 71, "An Act to amend an act entitled 'An Act to incorporate the Agricultural, Mechanical and Blood Stock Association of Texas,' approved October 20, 1866," approved March 20, 1874.

House bill No. 4, "An Act to fix the venue in certain cases," approved March 21, 1874.

House bill No. 16, "An Act to encourage stockraising and for the protection of stockraisers," approved March 23, 1874.

Senate bill No. 272, "An Act making an appropriation for the *per diem* pay of members and the *per diem* pay of the officers and employees of the Fourteenth Legislature of the State of Texas," approved March 21, 1874.

Senate bill No. 49, "An Act to regulate the testimony of witnesses in cases of bribery," approved March 21, 1874.

House bill No. 151, "An Act making an appropriation to pay costs due sheriffs, clerks and attorneys in felony cases in district courts for 1873, and previous years; to pay the fees of justices of the peace and other peace officers in criminal prosecutions for 1872, and previous years, and to pay justices of the peace for assessing the taxes for 1873," approved March 27, 1874.

A message was received from the House announcing that the House was now ready to receive the Senate in joint session to further hear and consider the causes set forth in the address against Hon. Henry Maney, Judge of the Twenty-second Judicial District.

On motion of Senator Parker, the Senate proceeded to join the House.

#### IN JOINT SESSION.

The Speaker of the House announced the object of the joint session to be for the purpose of further hearing and considering the causes set forth in the address against Hon. Henry Maney, Judge of the Twenty-second Judicial District.

Major W. M. Walton, counsel for the State, stated that ex-Governor Jones, counsel for the respondent, wished to

quote some authorities in regard to a portion of his speech of yesterday.

On motion of Senator Ireland, Governor Jones was allowed fifteen minutes in which to read from said authorities.

Governor Jones then addressed the joint session.

At the close of his remarks, Major W. M. Walton then addressed the joint session in behalf of the State.

At the close of his remarks, on motion of Senator Russell, the Senators retired to the Senate Chamber.

#### IN SENATE.

Senator Dwyer moved that the Senate do now proceed to vote on the address against Judge Maney, of the Twenty-second Judicial District. Carried.

Senator Ireland moved a call of the Senate. Call sustained.

Absent—Senators Burton, Flanagan and Randle.

The sergeant-at-arms was dispatched for absent Senators.

On motion of Senator Russell, the call was suspended.

The President announced the question as being “Are the cause or causes set forth in the address against Hon. Henry Maney, Judge of the Twenty-second Judicial District, sufficient to vote his removal from said office?”

The Senate proceeded to vote, with the following result:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Dwyer, Ellis, Erath, Friend, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Russell, Shepard, Stirman, Swift, Westfall and Wood—21.

NAYS—None.

Senator Trolinger asked to be excused from voting on said address, as he had just arrived from home, and had heard but little of the argument in said case.

On motion of Senator Parker, Senator Trolinger was excused.

By leave, Senator Erath introduced a bill, entitled “An Act to better define duties of surveyors.” Read first time, and referred to Committee on Land Office.

Senator Friend introduced a bill, entitled “An Act to amend the caption of an act entitled ‘An Act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company,’ approved March 11, 1871; and to change the name of the said railroad company.” Read first time, and referred to Judiciary Committee.

Senator Russell introduced a bill, entitled "An Act to attach the county of La Salle to Nueces Land District." Read first time, and referred to Committee on State Affairs.

Senator Shepard introduced a bill, entitled "An Act to incorporate the Fire Irrigation Company." Read first time, and referred to Committee on Internal Improvements.

A message was received from the House, announcing that the House had voted the address for the removal of Hon. Henry Maney, judge of the Twenty-second Judicial District, by a vote of 74 ayes to 6 nays.

A message was received from the Governor.

The unfinished business, being the consideration of Senate bill No. 202, "An Act to prohibit the sale of liquor near Melrose and Douglass, in Nacogdoches county," and the pending substitutes therefor, they were taken up, the title of one of the substitutes being "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of the academy and church at Douglass village, in Nacogdoches county; and the other entitled "An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of the Masonic Institute at Melrose, in Nacogdoches county." The latter substitute was adopted.

The substitute was then read second time and ordered engrossed.

On motion of Senator Swift, the rules were suspended. Substitute read third time and passed.

On motion of Senator Erath, the rules were suspended, to take up Senate bill No. 110, "An Act to organize and define the powers of the criminal court of McLennan county;" and also, the substitute therefor, entitled "An Act to establish a criminal court in and for the cities of Waco, Marlin, Calvert and Groesbeck, and defining the powers thereof."

The substitute was adopted.

Senator Erath offered the following amendments to said substitute:

1. In first section strike out the words "at the city of Calvert, in the county of Robertson;" and, also, the words "and at the city of Groesbeck, in the county of Lime-stone."

2. Substitute for section five: "The terms of said courts shall be held as follows, to-wit: at Marlin, in the county of Falls, on the first Mondays in January, May and Sep-

tember, in each year, and may continue in session three weeks; at Waco, on the fourth Mondays in January, May and September, in each year, and may continue in session four weeks."

3. In section seven, strike out the words "Robertson and Limestone."

4. Amend section ten, by striking out the words "thirty-five hundred;" and insert "twenty-five hundred;" and after the word "salary," in ninth line, strike out all down to fifteenth line, and insert the words "and the county of Falls shall pay one thousand dollars of said annual salary."

The amendments were adopted, and the bill, as amended, ordered engrossed.

On motion of Senator Erath, the rules were further suspended, bill read third time and passed.

On motion of Senator Ireland, the message of the Governor was taken up and read, which was as follows:

EXECUTIVE OFFICE,  
Austin, Texas, March 31, 1874. }

*To the Honorable Senate of the State of Texas:*

GENTLEMEN—I respectfully ask your advice and consent to the following appointments, to-wit: Richard S. Walker, of Nacogdoches county, judge of the Fourth Judicial District, *vice* Judge M. Priest, removed.

M. D. Ector, of Harrison county, judge of the Sixth Judicial District, *vice* Judge J. B. Williamson, removed.

A. S. Broadbush, of Burleson county, judge of the Twenty eighth Judicial District, *vice* J. M. Onins, resigned.

James A. Ware, of Nueces county, judge of the Twenty-fourth Judicial District, *vice* J. J. Thornton, resigned.

Respectfully,

RICHARD COKE, Governor.

On motion of Senator Russell, the Senate went into executive session.

IN SENATE.

The Secretary was instructed to inform his Excellency, the Governor, that the Senate does advise and consent to the appointment of the following officers:

Richard S. Walker to be judge of the Fourth Judicial District.

M. D. Ector to be judge of the Sixth Judicial District.

A. S. Broadus to be Judge of the Twenty-eighth Judicial District.

James A. Ware to be Judge of the Twenty-fourth Judicial District.

Also that the Senate does advise and consent to the appointment of the following notaries public, heretofore nominated by his Excellency: G. H. Gould, of Rusk county; W. H. Grigsby, J. H. Stephens, J. J. Hammock, W. T. Foushee and A. B. White, of Montague county

Senator Ball introduced a bill entitled, "An Act making an appropriation for deficiencies in the support of the State government for the fiscal year, ending August 31, 1874." Read first time and referred to the Committee on Finance.

Senator Ball introduced a bill entitled, "An act to incorporate the Weatherford Hook and Ladder Company, No. 1, of the town of Weatherford." Read first time and referred to Judiciary Committee.

Senator Ellis introduced a bill entitled, "An Act for the relief of the heirs of Alexander S. Green, deceased." Read first time and referred to Committee on Private Land Claims.

Senator Shepard introduced a bill entitled, "An Act to regulate the right of suffrage in the incorporated towns and cities of the State or Texas." Read first time.

On motion of Senator Shepard, the rules were suspended, bill read second time and ordered engrossed.

On motion of Senator Ball, the rules were further suspended, bill read third time and passed.

Senator Moore introduced a bill entitled, "An Act to decide differences by arbitration, when the parties shall elect that method of trial." Read first time and referred to Judiciary Committee.

Senator Russell introduced a bill, entitled, "An Act amendatory of an act entitled 'An act prescribing the times of holding the district courts in the several Judicial Districts in the State,' " approved August 10, 1870; approved April 17, 1871; approved June 4, 1873. Read first time and referred to Judiciary Committee.

On motion of Senator Trolinger, House bill No. 128, "An Act to provide for the protection of the frontier of the State of Texas against the invasions of hostile Indians, Mexicans, or other marauding or thieving parties," together with Senate amendments that the House refused to adopt, was taken up.

On motion of Senator Ball, the Senate unanimously refused to recede from its amendments.

On motion of Senator Ball, a conference committee was appointed to confer with a committee from the House, on the disagreement of the two houses on the aforesaid bill.

The President appointed on said committee, Senators Ball, Wood and Westfall.

A message was received from the House announcing the passage of House bill No. 421, "An Act fixing the time of holding the district courts in the Twenty-second Judicial District."

On motion of Senator Ireland, the rules were suspended to take up House bill No. 421, "An Act fixing the time for holding the district courts in the Twenty-second Judicial District." Bill taken up and read first time.

On motion of Senator Ireland, the rules were further suspended, bill read second time and passed to third reading.

On motion of Senator Ireland, the rules were further suspended, bill read third time and passed.

On motion of Senator Wood, the rules were suspended to take up House bill No. 187, "An Act to make an appropriation to complete the buildings of the Agricultural and Mechanical College of Texas."

The bill was read second time and passed to third reading.

On motion of Senator Wood, the rules were further suspended, bill read third time and passed by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Dwyer, Ellis, Erath, Flanagan, Friend, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Russell, Stirman, Swift, Shepard, Trolinger, Westfall and Wood—23.

NAYS—Senator Burton—1.

On motion of Senator Parker, the rules were suspended to take up Senate bill No. 232, "An Act to authorize the county courts of the several counties in this State to build bridges and causeways, and to keep up and improve bridges, causeways and public roads."

The report of the committee recommending amendments was read.

Senator Wood moved to substitute for same bill Senate bill No. 233, "An Act to provide for opening, repairing and maintaining public roads and highways," which was read.



Senator Wood moved that the Senate bills first read, to-wit: Senate bills Nos. 232, 233, and Senate bill No. 250, "An Act to regulate public roads," be referred to a special committee. Carried.

The President appointed as said committee Senators Parker, Wood, Allison, Shepard and Ellis.

On motion of Senator Ireland, Senator Wood was added to the committee on Constitutional Amendments.

Senator Flanagan, offered the following resolution, viz: *Resolved*, That the Senate chamber be tendered to the Rev. Dr. Hammond, this 7 P. M., for divine service. Adopted.

On motion of Senator Swift, the Senate adjourned.

#### SIXTY-FIFTH DAY.

SENATE CHAMBER, }  
Austin, April 1, 1874. }

Senate met pursuant to adjournment.

The President of the Senate being ill, and not present, the Senate was called to order by the Secretary.

Roll called; quorum present.

On motion of Senator Westfall, Senator Ireland was called on to preside over the Senate.

Senator Westfall presented the petition of Louis F. Valentine, "Asking for the payment of certain money." Read and referred to Committee on Finance.

Senator Shepard presented the petition of certain citizens of Washington county, "Asking removal of obstructions to navigation of Brazos river." Read and referred to Committee on Internal Improvements.

Senator Bradshaw presented a petition from the committee appointed by the Temperance State Convention, that was held in August, 1872, "Asking the passage of a law in regard to the sale of liquor." Read and referred to Judiciary Committee.

On motion of Senator Allison, Senator Randle was excused for five days.

Senator Baker, Chairman Finance Committee, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Finance, to whom was referred Senate bill No. 316, "An Act making an appropriation for